

REMARKS

Claims 1-10 and 14-26 are pending, with claims 1, 2, 7, 8, and 9 being independent. Claim 7 has been amended and claims 11-13 have been cancelled. No new matter has been introduced.

Interview Summary

Applicants thank Examiner Chan for the courtesy of the after-final interview conducted on July 29, 2009 by applicants' undersigned representative. During the interview, the sufficiency and clarity of rejection of claim 1 was discussed. Agreement was reached that the final office action did not clearly set forth the grounds for rejection because the interpretation of the references which was relied on was not explained clearly. During the interview, the Examiner explained the grounds for rejection relied on, but not articulated, in the final office action.

Applicants request that the final rejection be withdrawn based on the agreement that it was deficient, as discussed above.

Claim Rejections

Double Patenting

Claims 1-10 and 14-26 have been provisionally rejected for obviousness-type double patenting over claims 1-5, 7, 10-12, 15, 16, and 22-27 of co-pending U.S. Patent App. No. 10/577,648. Applicants request that the provisional rejection be held in abeyance until claims 1-10 and 14-26 of this application are otherwise held to be allowable and the claims of the '648 application are allowed.

Indefiniteness

Claims 7, 10, and 14-20 have been rejected as being indefinite because "it is unclear as to what is the second substrate is attached." *See* office action at page 3. Claim 7, as amended, now recites "attaching a second substrate to the optical filter," as suggested by the Examiner. Reconsideration and withdrawal of the indefiniteness rejection is requested.

Claims 1, 3, 5, 7, 10, 17, and 19-24

Claims 1, 3, 5, 7, 10, 17, and 19-24 have been rejected as being unpatentable over United States Patent Number 5,156,720 ("Rosenfeld") in view of United States Patent Number 5,096,520 ("Faris") and optionally United States Patent Number 6,057,961 ("Allen").

Regarding claim 1, Rosenfeld fails to disclose or suggest "attaching a second substrate to the subject body by using a first adhesive material so that the second substrate faces the first substrate," and "attaching a support medium to the second substrate by using a peelable adhesive agent," as recited in claim 1. Particularly, the office action cited the "stack of alternating layers of dielectric material, which are applied or formed on the valve metal layer" as satisfying "the second substrate attached to the optical filter or subject body since the first optical film with the valve metal layer is a subject body and a first optical filter and any additional optical films applied to the first optical film satisfies the second substrate requirement." *See* office action at page 5. Additionally, the office action cited col. 3, lines 34-42 of Rosenfeld as disclosing the support medium. *See* page 5, lines 1-6.

However, the stack of layers 33-38 of Rosenfeld together is described as the optical multilayer film that is supported on a plastic substrate 39. *See* Rosenfeld col. 5, lines 53-57 and col. 6, lines 56-68. Thus, some of the layers of the optical multilayer film of Rosenfeld cannot reasonably be construed as corresponding to the recited second substrate because Rosenfeld expressly discloses that the "second substrate" attached to the optical multilayer film is the plastic substrate 39. Accordingly, Rosenfeld is silent regarding "attaching a support medium to the second substrate by using a peelable adhesive agent."

Faris and Allen likewise fail to disclose or suggest "attaching a support medium to the second substrate by using a peelable adhesive agent." As discussed in the office action at pages 5-6, Faris merely discloses a clear adhesive for attaching stacked layers of an optical element to one another (*See* Faris at col. 3, lines 43-46). Allen discloses that "various functional layers or coatings may be added to optical films ... to alter or improve their physical or chemical properties." However, this teaching of Allen at most only relates to the selection of the characteristics of the polymer substrate 39 of Rosenfeld, and provides no discussion of "attaching a second substrate to the subject body [which includes an optical filter] by using a first

adhesive material so that the second substrate faces the first substrate,” and “attaching a support medium to the second substrate by using a peelable adhesive agent,” as recited in claim 1.

Thus, for at least these reasons, and as discussed and agreed during the interview of July 29, the rejection, as set forth in the final office action, fails to establish a prima facie case of obviousness. Therefore, withdrawal of the rejection of independent claim 1 and its dependent claims 3, 5, and 21-24 is requested.

Furthermore, during the interview, an interpretation was presented in which Rosenfeld allegedly discloses the support medium (allegedly met by the plastic substrate of Rosenfeld described at col. 5, lines 53-57) and teaches attaching the releasable film to a “second substrate” (when the plastic substrate is used as described at col. 3, lines 34-42 to transfer the releasable film to form a final product). This interpretation likewise fails to establish where Rosenfeld discloses “attaching a second substrate to the subject body by using a first adhesive material so that the second substrate faces the first substrate,” and “attaching a support medium to the second substrate by using a peelable adhesive agent,” as recited in claim 1, at least because the “substrate” to which the releasable film is attached “to form a final product” does not face the first substrate, and because the intermediate substrate (i.e., the plastic substrate) is not attached to the second substrate (i.e., the “substrate” of the final product). Thus, the interpretation presented during the interview is incorrect.

Claim 7 recites “attaching a second substrate to the optical filter by using a first adhesive material” and “attaching a support medium to the second substrate by using a peelable adhesive agent.” Thus, for reasons similar to those discussed above with respect to claim 1, reconsideration and withdrawal of the rejection of independent claim 7 and its dependent claims 10, 17, 19, and 20 are requested.

Claims 2, 4, 6, 8, 9, 25, and 26

Claims 2, 4, 6, 8, 9, 25, and 26 have been rejected as being unpatentable over Rosenfeld in view of United States Patent Number 4,934,791 (“Shimizu”) and optionally Allen.

As to claim 2, Rosenfeld fails to disclose or suggest “attaching a support medium to the subject body by using a peelable adhesive agent so that the support medium faces the first substrate ... forming a second substrate on the subject body using an adhesive material; and

separating the support medium and the peelable adhesive agent from the subject body,” as recited in claim 2. Particularly, the office action stated that Rosenfeld discloses “attaching a material to the outer surface of the releasable films or layers with adhesive and peeling the film or layer from the valve metal layer with the separation between the valve metal layer and the metal oxide layer and the adhesive used for adhering the material,” and cited col. 4, line 62 to col. 5, line 18 of Rosenfeld for support. Additionally, the office action stated that Rosenfeld discusses “transfer[ring the releasable film] to a final substrate after peeling from the attached material,” and cited col. 3, lines 34-42 of Rosenfeld for support.

However, Rosenfeld, including the cited portion of col. 3, fails to disclose “separating the support medium and the peelable adhesive from the subject body,” as recited in claim 2. Instead, Rosenfeld discloses “removal of the material (construed in the office action as the support medium) from the released film by dissolving, oxidizing or decomposing the material.” Thus, Rosenfeld is silent regarding peelable adhesive. Allen and Shimizu do not remedy the failure of Rosenfeld with regard to attaching and removing the support medium and the subject body using a peelable adhesive.

Additionally, the office action stated that “the transferring of the releasable film to a final substrate or second substrate would inherently require an adhesive or glue and the examiner has provided optionally Allen et al which discloses using adhesive to bond various films.” However, transferring the releasable film of Rosenfeld to a final substrate, as described at col. 3, would not inherently require adhesive. For example, the releasable film could be transferred using mechanical force, static electrical charge, or vacuum, among others.

For at least these reasons, the rejection of independent claim 2 and its dependent claims 4, 6, 25, and 26 should be withdrawn.

Claim 8 recites “forming a second substrate on the insulating layer by using an adhesive material; and separating the support medium and the peelable adhesive agent from the optical filter,” and claim 9 recites “forming a second substrate over the insulating layer by using an adhesive material; and separating the support medium and the peelable adhesive agent from the optical filter.” Thus, at least for reasons similar to those set forth above with respect to claim 2, the rejections of claims 8 and 9 should be withdrawn.

As to claims 25 and 26, the office action failed to establish where the features of these claims are believed to be disclosed in the cited references. Claim 25 recites that "the support medium is a glass substrate, a quartz substrate, a metal substrate, or a ceramic substrate," and claim 26 recites that "the peelable adhesive agent is a reactive peeling adhesive, a thermal peeling adhesive, a light peeling adhesive, or an anaerobic peeling adhesive; or a material having adhesive layers formed of one or more of these on both sides thereof." Rosenfeld, Shimizu, and Allen, alone or in any proper combination, fail to disclose these additional features recited in claims 25 and 26. Therefore, reconsideration and withdrawal of the rejections of claims 25 and 26 are requested.

CONCLUSION

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any questions regarding this document, applicants ask that the Examiner contact applicants' undersigned attorney.

Payment for the requisite petition fee for a two month Petition for Extension of Time is made concurrently on the Electronic Filing System by deposit account authorization. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 24 August 2009

/George P. Bonanto/
George P. Bonanto
Reg. No. 59,717

Fish & Richardson P.C.
Telephone: (202) 783-5070
Facsimile: (202) 783-2331